**GROVE CITY COUNCIL**

**REGULAR MEETING**

**TUESDAY, MAY 15, 2012**

**6:00 PM**

The Grove City Council met in regular session on Tuesday, May 15, 2012 at 6:00 PM with Mayor, Marty Follis presiding. Members present were Ed Trumbull, Ileta Bray, Marty Dyer and Berwin Kock. Also present was City Manager, Bruce Johnson; Attorney, Brandon Watkins; Assistant City Manager, Debbie Bottoroff; City Treasurer, Lisa Allred; Public Works Director, Jack Bower and City Clerk, Bonnie Buzzard.

**PUBLIC COMMENTS:**

Mayor Follis read a Proclamation in its entirety proclaiming the week of May 19-25, 2012 as ‘National Safe Boating Week’. No action was taken.

Follis opened the floor for Public discussion with respect to the City of Grove’s and all Trusts’ to which the City of Grove is a beneficiary budget for Fiscal Year 2012-2013. No questions, comments or concerns was heard from the Council or participating audience.

Mr. Ben Whitney addressed the Council to report that he owns the building across the street from the Community Center on Grand Street that is adjacent to the City storage facility. Whitney respectfully requested that the City consider re-painting that building, and that the parking lot needs some asphalt resurfacing.

Trumbull made the motion to approve the minutes of the previous meeting. Seconded by Dyer. AYE: Trumbull, Dyer, Kock and Follis. NAY: None. Bray abstained. Motion carried.

Kock made the motion to approve the purchase order register. Seconded by Dyer. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to Contract for Sale and Purchase of Real Property by and between the City of Grove, Oklahoma and Grandwood Assisted Living Facility, LLC, Grand Lake Sunrise Village, LC, Grand Investments, L.L.C., et al. Johnson reported that the City of Grove is proposing to purchase three (3) tracts of land adjacent to the existing 16th Street Boat Ramp facility. The tracts total approximately 30 acres of land for the purchase price of $525,000. Johnson added that he has reviewed the contract and that it is currently with the City Attorney for final review prior to approval. Johnson entertained questions, comments and concerns from the Council, Staff and participating audience. Dyer made the motion to approve the contract for sale and purchase of real property by and between the City of Grove, Oklahoma and Grandwood Assisted Living Facility, LLC, Grand Lake Sunrise Village, LC, Grand Investments, L.L.C., et al contingent upon final approval from the City Attorney. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to Financing for Public/Boating/Fishing Access Facility. Johnson reported that the City of Grove fulfilled their pledge obligation to Integris Grove General Hospital this fiscal year, which was $200,000 for 5 years for a total amount of $1 million. The Staff has sought out information for financing improvements for a new parking facility to be located in the area of 16th and 21st Street as per the contract previously approved by the Council from Municipal Finance Services – Rick Smith, Financial Advisor who has submitted the following financial options for consideration by the issuance of a Promissory Note, Series 2012 through the Grove Economic Development Authority (GEDA) and based on the City’s existing debt and various pledges of sales tax revenue and utility revenues securing such existing obligations:

* **Option A – 4 year term**
  + FY 2012-2013 Payment = $106,732.64
  + FY 2013-2014 Payment = $310,375.00
  + FY 2014-2015 Payment = $306,625.00
  + FY 2015-2016 Payment = $307,875.00
* **Option B – 10 Year Term**
  + FY 2012-2013 Payment = $108,772.22
  + FY 2013-2014 Payment = $112,750.00
  + FY 2014-2015 Payment = $110,850.00
  + FY 2015-2016 Payment = $108,950.00
  + FY 2016-2017 Payment = $112,000.00
  + FY 2017-2018 Payment = $110,000.00
  + FY 2018-2019 Payment = $113,000.00
  + FY 2019-2020 Payment = $110,900.00
  + FY 2020-2021 Payment = $108,800.00
  + FY 2021-2022 Payment = $111,650.00

Johnson discussed this project in detail with the Staff and participating audience. The Council and Staff entertained questions and comments from the following individuals:

* Bill Miller
* Randy Wheeler
* Ben Whitney
* Larry Stout
* Judith Read

Follis presented letters of support for this project from various organizations in the area. Johnson indicated that it is Staff recommendation that the Council approve Option A – 4 Year term for this project. Bray made the motion to approve the financing package for the Public/Boating/Fishing Access Facility as presented utilizing Option A – 4 year term as the payback option. Seconded by Dyer. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve a Resolution amending Fiscal Year 2011-1012 Fiscal Year Budget. Seconded by Bray. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve an Economic Development Agreement between the City of Grove and Delaware County, Oklahoma for approximately 0.36 acres of land for the construction of a road extending from S 642 Road North into the Grove Industrial Park. Seconded by Dyer. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Bray made a motion to approve a Resolution Supporting Rural Housing, LP affordable housing tax credit application to the Oklahoma Housing Finance Agency to rehabilitate a 98 unit housing development located at 400 Mill Creek, Grove, OK aka Garden Walk I, II, and III. Seconded by Dyer. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding an Ordinance repealing and replacing Part 4, Chapter1: Animal Regulations of the Code of Ordinance of the City of Grove, Oklahoma. Johnson reported that the Staff has been working with the Grove Police Department / Animal Control for some time in regards to this project, and is requesting that the Council consider the present Ordinance. Judith Read addressed the Council to report that she has her personally owned animal trap, and that upon the capture of any such animal she has called on the Animal Control officer to come pick the trap up for release because she cannot handle the trap by herself. Read added that it might take the office a while to respond but they always did, and they took the trap back to the Animal Control officer for her to pick up later. Read indicated that service is greatly appreciated, and respectfully request that the Council allow that service to continue to the public. Trumbull strongly suggested that Section 4-109 be revised to omit the ‘sell of any animal in a commercial parking lot or at any flea market’. The Council & Staff discussed the following revision of the section in its entirety:

4-109. SALE OR GIVE-AWAY:

Persons shall obtain a Permit from the City of Grove to *give-away* domesticated animals on any commercial parking lot or at any flea market or festival. Persons requesting the Permit must provide written authorization from the property owner to give away animals on said property. There is no charge for the Permit.

It shall be unlawful for any persons to *sell, barter, trade, lease* any animal on any commercial parking lot or at any flea market or festival.

It shall be unlawful for any person or persons to *display, give-away or offer to give-away, sell, barter, trade, lease* any animal on any public right-of-way.

Exceptions: This section shall not apply to any nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

Trumbull made the motion to approve an Ordinance repealing and replacing Part 4, Chapter1: Animal Regulations of the Code of Ordinance of the City of Grove, Oklahoma to include the allowing of the Animal Control Officer to pick the personally owned traps up for release, however the property owner will be responsible for retrieving their traps back from the Animal Control office, and Section 4-109 – Sale or Give-Away as amended. Seconded by Bray. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Dyer made the motion to approve an Ordinance amending Part 8, Chapter 2 – Section 8-203.A: Abatement Procedures and Section 8-206.B Abatement Costs of the Code of Ordinances of the City of Grove, Oklahoma. Seconded by Kock. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried. Follis made the motion to approve the Emergency Clause to the said Ordinance. Seconded by Bray. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Bray made the motion to approve an Ordinance amending Part 9, Chapter 6: Peddlers, Solicitors and Outdoor Sellers – Sections 9-616, 9-632, 9-641, 9-655, 9-671, and 9-681 of the Code of Ordinances of the City of Grove, Oklahoma. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve an Ordinance amending Part 10: Offenses and Crimes against the Public – Chapter 3, Section 10-909: Amplified Sound, Loud Noise or Music Prohibited of the Code of Ordinances of the City of Grove, Oklahoma. Seconded by Dyer. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion regarding the Election of Trustees to the Oklahoma Mutual Assurance Group Board of Trustees. Johnson set-forth the following name for possible consideration:

* Brian McDougal, and
* Craig Stephenson

Kock made the motion to nominate the above-mentioned as Trustees to the Oklahoma Mutual Assurance Group Board of Trustees. Seconded by Dyer. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Follis opened the floor for discussion with respect to the bids received for mowing and clean-up of code violation properties located with the city limits as per the Code Enforcement Officer. Bottoroff reported that the City received bids from the following individuals:

1. Pendergraft Enterprises, Inc $50/per hour

$60/per hour for heavier equipment

1. Premier Enterprises $50 per hour

Bottoroff recommended that the Council approve both bids based upon availability from either company. Dyer made the motion to award both bids based upon availability at the time of service. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to authorize the Staff to solicit bids for gasoline and diesel fuel for the Fiscal Year 2012/2013. Seconded by Follis. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Dyer made the motion to authorize the Staff to solicit bids for limestone base rock (per ton) and other fill materials for the Fiscal Year 2012/2013. Seconded by Bray. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Bray made the motion to authorize the Staff to solicit bids for asphaltic materials for the first half of the fiscal year beginning July 1, 2012 and ending December 31, 2012. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

Kock made the motion to approve the declaration of surplus for one 2003 Ford Crown Victoria vehicle bearing VIN #2FAHP71W33X222067. Seconded by Trumbull. AYE: Trumbull, Bray, Dyer, Kock and Follis. NAY: None. Motion carried.

**CITY MANAGERS REPORT:**

Johnson announced that the City Council will be holding a Public Hearing on the Fiscal Year 2012-2013 budget during a Special Meeting scheduled for Tuesday, May 29, 2012 @ 12:00 noon. Johnson strongly encouraged the public to attend.

**WARD REPORTS;**

Trumbull asked for an update on the ‘Frisbee Park’ project. Johnson reported that Building & Grounds – Craig Criger is currently clearing trees, mapping out a trail and ordering the necessary materials.

Dyer reported that he noticed the home modular’s being placed out along Highway 59 North. Bottoroff reported that the property owner is currently working with Building Inspector, John Fasano on their compliance inspections. Bottoroff noted that property is currently zoned LFR which is the proper zoning for that project.

At 7:23 PM Kock made the motion to adjourn. Seconded by Bray. AYE: Trumbull. Bray, Dyer, Kock and Follis. NAY: None. Motion carried.